



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN VIRGINIA REGIONAL OFFICE
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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

~~Jeffery A. Steers~~
Regional Director

EXECUTIVE COMPLIANCE AGREEMENT

GEORGE MASON UNIVERSITY DEQ Registration No. 70691

This is an Executive Compliance Agreement (the "Agreement") between George Mason University and the Virginia Department of Environmental Quality ("DEQ") regarding the George Mason University Central Heating & Cooling Plant (CHCP), pursuant to the Director's authority, as set forth in Sections § 10.1-1316.C, 10.1-1307.D and 10.1-1309 of the Code of Virginia, to administer and enforce the Air Pollution Control Law and regulations.

The George Mason University Central Heating and Cooling Plant is located in Fairfax, Virginia, and services the George Mason University campus. The facility is permitted to operate four dual-fuel boilers at the CHCP. Other significant equipment that George Mason is permitted to operate includes nine small natural gas only boilers, and 23 diesel-fueled emergency generators.

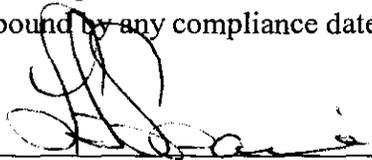
DEQ has evidence to indicate that George Mason University has violated Permit Condition No. 6 (9 VAC 5-50-30, 9 VAC 5-80-1200, 9 VAC 5-80-880) of the facility's July 22, 2005 State Operating Permit with NSR modifications. An on-site inspection was conducted by DEQ as part of a full compliance evaluation on May 18, 2007. During the inspection, the facility could not produce records of Nitrogen Oxides and Carbon Monoxide performance testing of Boilers CHCP-2 and CHCP-4, as required by Permit Condition No. 6. DEQ received notification on May 8, 2006, that CHCP-1 startup occurred on April 4, 2006, and that testing was anticipated to occur in June 2006. If boiler CHCP-1 was initially started on April 4, 2006, the permit condition required the facility to conduct performance testing of CHCP-2 and CHCP-4 by September 30, 2006, (180 days after initial startup). Neither the facility nor DEQ has any records that these performance tests were conducted. As a result of the compliance inspection and the lack of documentation, DEQ determined that the facility appeared to be out of compliance. The alleged violation is referenced in the Notice of Violation (NOV) which was issued by DEQ on June 13, 2007, citing violation of Permit Condition No.6 for failure to perform performance testing for Nitrogen Oxides and Carbon Monoxide from the dual-fuel boilers identified as

CHCP-2 and CHCP-4

On June 18, 2007, George Mason University requested a testing extension for CHCP-2 and CHCP-4, stating that the boilers would not be under an appropriate load for performance testing until October 2007. In a letter issued to the facility on July 9, 2007, DEQ granted the extension of performance testing of CHCP-2 and CHCP-4, requiring that the performance testing be completed by the end of October 2007.

To remedy these matters, George Mason University, and DEQ agree to the schedule of action in Appendix A.

This Agreement shall become effective upon the date of its execution by the Director of the Department of Environmental Quality or his designee. George Mason University agrees to be bound by any compliance dates in this Agreement which may predate its effective date.



Larry Spaine, Facilities Director
George Mason University Central Heating and
Cooling Plant

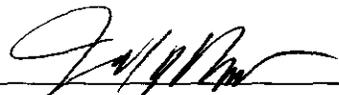
9/17/07
Date

SUBSCRIBED AND SWORN TO ME IN MY
PRESENCE, THIS 17th DAY OF SEP
2007, A NOTARY PUBLIC IN AND FOR THE
COMMONWEALTH OF VIRGINIA.

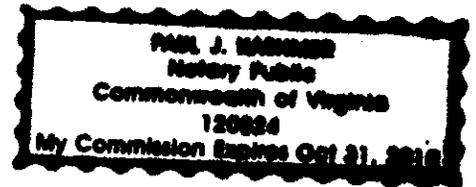


PAUL J. KASHMER

9/26/07
Date



Thomas A. Faha, NRO Regional Director
Department of Environmental Quality



GEORGE MASON UNIVERSITY

APPENDIX A

George Mason University agrees to:

1. Submit stack test protocol to DEQ for review and approval at least 30 days prior to conducting testing as required by provision 6(e) of George Mason University's July 22, 2005 State Operating Permit with NSR modifications. In addition, George Mason University shall conduct Nitrogen Oxides and Carbon Monoxide performance testing of Boilers CHCP-2 and CHCP-4, as required by Permit Condition No. 6 and 9 VAC 5-50-30, 9 VAC 5-80-1200, 9 VAC 5-80-880, as well as provide DEQ with 2 copies of the test results within 45 days of completion, as required by George Mason University's Permit. All of the aforementioned requirements of the Permit shall be fully completed by October 31, 2007.
2. Within 90 days of the effective date of this Order, George Mason University shall develop and implement an Environmental Management System (EMS) plan to include provisions for conducting and documenting inspections, stack test requirements, and maintenance of permitted equipment as well as all necessary recordkeeping requirements. George Mason University shall submit the EMS Implementation Plan to DEQ for review. After submittal of the plan, this compliance step shall be deemed complete.
3. Continue to comply with all applicable Air Pollution Control Law and State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution.